

REMARKS

Claims 1-3, 5-8, and 10-14 are now pending in this application for which applicant seeks reconsideration.

Amendment

Claims 4 and 9 have been canceled, claims 1-3, 5-8, and 11 have been amended to improve their form, readability, and clarity, and claims 12-14 have been added. Allowable claim 2 has been placed in independent form, and claim 8 has been amended to incorporate allowable claim 9 to place them in condition for allowance. See below. Independent claims 1 and 11 have been further revised to incorporate the features of claim 4, namely the aspect of calculating the distance between the two sensors. No new matter has been introduced.

Allowable Claims

Claims 2, 6, and 9 were objected to under Rule 75(c) as being improperly dependent. Based on the examiner's comment that Cohen fails to disclose the features set forth in these claims, and since these claims were not rejected based on any prior art, applicant believes that the examiner meant to indicate allowability of these claims. In this respect, claim 2 has been placed in independent form and claim 8 has been amended to incorporate claim 9 to place them in condition for allowance.

Art Rejection

Claims 1, 4, 8, and 9 were rejected under 35 U.S.C. § 102(b) as anticipated by Cohen (USPGP 2003/0031333). Claim 5 was rejected under 35 U.S.C. § 103(a) as unpatentable over Cohen. Claims 3, 7, and 10 were rejected under § 103(a) as unpatentable over Cohen in view of Park (USPGP 2004/0131207).

Cohen discloses using a remote sensor having a plurality of microphones 28-31 at known spacing from each other, and using the sensor to determine the position of a speaker relative to the sensor. Cohen is silent regarding determining the distance between each of the microphones and the speakers. In this respect, the examiner appears to have taken the position that calculating the distance from each of the microphones to the speaker would have been inherent as Cohen discloses calculating the delay between the sound input and sound output. Even if that were the case for argument's sake, applicant submits that Cohen still would not have disclosed or taught calculating the distance between the sensors based on a known distance between two speakers, as is now set forth in independent claims 1 and 11, because Cohen uses microphones with preset fixed positions.

In this respect, in rejecting claim 4, which is now incorporated in claims 1 and 11, the examiner asserts that Cohen discloses using a known distance between the speakers, relying on paragraphs 39 and 55, and that Cohen discloses calculating the distance between the microphones, relying on paragraphs 55, and 58. Applicant disagrees with the examiner's assessment because the paragraphs identified by the examiner fail to support the examiner's contention. Moreover, since Cohen uses known spacing between the microphones, i.e., they are not repositionable relative to each other, there would have not have been any need for Cohen to calculate the spacing between its microphones. New dependent claims 12-14 now define that the two sensors are independently positionable relative to each other to further define over Cohen.

As to claim 5, applicant believes that Cohen simply would not have disclosed or taught attaching a sensor to a to-be-detected speaker. In this respect, the examiner asserts that it would have been obvious for Cohen to attach a sensor to the speaker to detect frequency response of the loudspeaker. Applicant disagrees because the sensor is not for detecting frequency response, but for detecting the position of the speaker. Cohen is completely silent regarding using a sensor attached to a speaker for detecting its position.

Park would not have alleviated any of Cohen's shortcomings noted above even if the combination were deemed proper for argument's sake.

Conclusion

For the foregoing reasons, applicant submits that claims 1-3, 5-8, and 10-14 patentably distinguish over the applied references and are in condition for allowance. Should the examiner have any issues concerning this reply or any other outstanding issues remaining in this application, applicant urges the examiner to contact the undersigned to expedite prosecution.

Respectfully submitted,

ROSSI, KIMMS & McDOWELL LLP

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DATE

/Lyle Kimms 082608/

LYLE KIMMS

REG. NO. 34,079 (RULE 34, WHERE APPLICABLE)

P.O. Box 826

ASHBURN, VA 20146-0826

703-726-6020 (PHONE)

703-726-6024 (FAX)